

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Museums and Cultural Affairs

AGENDA DATE: Introduction on Feb. 16, 2010 and Public Hearing on Feb. 23, 2010

CONTACT PERSON NAME AND PHONE NUMBER: Sean McGlynn, MCAD Director, 541-4898

DISTRICT(S) AFFECTED: All

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

To approve an Ordinance amending Ordinance 16324, amended by Ordinance 17165, relating to the Public Art Program to exclude certain information technology projects.

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

This ordinance amendment excludes the percentage for art from capital acquisitions, construction projects that are for the renovation or expansion of existing buildings, facilities or portions of buildings or facilities for the primary purpose of housing information technology equipment, construction activity for the primary purpose of providing service or connectivity to the City's information technology infrastructure or the City's audio, video or data communications systems or the Plaza Theatre Project.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

On April 4, 2006, City Council approved Ordinance No. 16324, aligning the public art program with the recent changes in the Museums and Cultural Affairs Department as related to the Public Art Master Plan and the Strategic Plan for MCAD both approved on March 1, 2005. On October 8, 2002, City Council approved Ordinance No. 15245, providing for art in municipal places, and providing for certificates of obligation as an additional source of funding for acquisition or commissioning of art for municipal places. On April 9, 2002, City Council approved Ordinance 15073, establishing the Public Arts Commission (Committee) and describing its powers and duties. On August 11, 2009, City Council amended Ordinance No. 16324 to increase the number of members on the Public Art Committee (PAC), to amend payments to artists and to reduce the number of PAC decisions that need to be reviewed by the Cultural Affairs Advisory Board.

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

N/A

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

N/A

*****REQUIRED AUTHORIZATION*****

ORDINANCE NO. _____

**AN ORDINANCE AMENDING ORDINANCE NO. 16324, AMENDED BY
ORDINANCE NO. 17165, RELATING TO THE PUBLIC ART PROGRAM
TO EXCLUDE CERTAIN INFORMATION TECHNOLOGY PROJECTS**

BE IT ORDAINED BY CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

1. That the following section of Ordinance No. 16324, adopted on April 4, 2006, amended by Ordinance No. 17165 on August 11, 2009, is hereby amended as follows:

SECTION 3. FUNDING OF THE PUBLIC ART PROGRAM

A. Projects in the Capital Improvements Program shall include an amount for works of art equal to two percent (2%) of the total funding available for the project whether funded by general obligation bonds, revenue bonds or certificates of obligation, but shall not include capital acquisitions, construction projects that are for the renovation or expansion of existing buildings, facilities or portions of buildings or facilities for the primary purpose of housing information technology equipment, construction activity for the primary purpose of providing service or connectivity to the City's information technology infrastructure or the City's audio, video or data communications systems or the Plaza Theatre Project; provided, however, that if the bond election ordinance, the bond ordinance authorizing revenue bonds, other appropriate laws or regulations, or an official interpretation by the State Attorney General regarding allowable uses for funds which it is providing for the project precludes art as an expenditure of funds, the amount of funds so restricted shall be excluded from the total funding available in calculating the amount to be committed to works of art.

2. Except as herein amended, Ordinance No. 16324, amended by Ordinance No. 17165, remains in full force and effect.

ADOPTED this _____ day of _____, 2010.

CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Kristen L. Choi
Assistant City Attorney

APPROVED AS TO CONTENT:

Sean P. McGlynn, Director
Museums & Cultural Affairs Department